

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Feb 10, 2025**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DANIEL BERLANGA,

Plaintiff,

v.

CRAIG JANIS and ARTHUR  
ALCAZAR,

Defendants.

NO: 1:24-CV-03174-RLP

ORDER DISMISSING ACTION

**1915(g)**

By Order filed December 4, 2024, the Court advised Plaintiff Daniel Berlanga, an individual currently housed at the Yakima County Jail, of the deficiencies of his Complaint and directed him to amend or voluntarily dismiss his Complaint within sixty (60) days. ECF No. 6 at 8–10. Plaintiff is proceeding *pro se* and *in forma pauperis*. Defendants have not been served.

The Court cautioned Plaintiff that if he failed to comply with the directives in the Order, the Court would dismiss his Complaint seeking monetary damages

1 for the alleged use of excessive force while detaining Plaintiff in April 2024. ECF  
2 No. 6 at 9–10; *see* ECF No. 1 at 3–4. Plaintiff did not comply with the Court’s  
3 Order and has filed nothing further in this action.

4 The Court determined that Plaintiff failed to state a claim for relief against  
5 either of the named Defendants. ECF No. 6 at 4–7. Specifically, Plaintiff did not  
6 assert any allegations against Defendant Craig Janis, Chief of the Wapato Police  
7 Department. *Id.* at 4. Further, Plaintiff presented no factual allegations from which  
8 the Court could infer that Defendant Arthur Alcazar used excessive force against  
9 him, nor did he allege that anyone denied him medically necessary treatment at  
10 the Yakima County Jail, or present any factual allegations to support such a claim.  
11 *Id.* at 5–7.

12 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who  
13 brings three or more civil actions or appeals which are dismissed as frivolous or  
14 for failure to state a claim will be precluded from bringing any other civil action  
15 or appeal *in forma pauperis* “unless the prisoner is under imminent danger of  
16 serious physical injury.” 28 U.S.C. § 1915(g). **Plaintiff is advised to read the**  
17 **statutory provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff’s**  
18 **Complaint may count as one of the three dismissals allowed by 28 U.S.C. §**  
19 **1915(g) and may adversely affect his ability to file future claims.**  
20

For the reasons set forth above and in the Court's prior Order, ECF No. 6,

**IT IS HEREBY ORDERED:**

1. Plaintiff's Complaint, ECF No. 1, is **DISMISSED without prejudice** for failure to state a claim upon which relief may be granted under 28 U.S.C. §§ 1915A(b)(1) and 1915(e)(2).

2. This dismissal may count as a "strike" under 28 U.S.C. § 1915(g).

3. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order would not be taken in good faith and would lack any arguable basis in law or fact.

**IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order, enter judgment, provide copies to Plaintiff at his last known address, and **CLOSE** the file.

**DATED** February 10, 2025.

  
REBECCA L. PENNELL  
UNITED STATES DISTRICT JUDGE